

Serial No 09/483,062
In reply to Office Action mailed October 21, 2003
Page 6 of 8

REMARKS/ARGUMENTS

Claims 1-18 are pending in this application, and claims 1-18 have been rejected. Claims 1-3, 6-9, 12-15, and 18 are currently amended, and these amendments are fully supported by the specification. For at least the reasons stated below, Applicant asserts that all claims are in condition for allowance.

CLAIM REJECTIONS UNDER 35 U.S.C. § 103

Claims 1-18 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Cheng et al. (U.S. Patent No. 6,151,643) in view of Cooper et al. (U.S. Patent No. 5, 809,282). The cited references, each alone or in combination, do not teach or suggest all the limitations of the claims as amended as required by MPEP § 2143. Therefore, Applicant respectfully requests that Examiner withdraw the § 103 rejection.

The present invention generally provides for improving and upgrading an existing application infrastructure of an application service provider, including:

- prompting a user to identify at least one aspect of an existing application infrastructure of an application service provider utilizing a network;
- receiving the identification of the at least one aspect of the existing application infrastructure utilizing the network;
- translating the at least one aspect of the existing application infrastructure into a common structure, such that the common structure is stored in a knowledge base;
- analyzing the common structure using a spreadsheet stored in a database, wherein the spreadsheet includes predefined rules and wherein the predefined rules are used to identify upgrades to the existing application infrastructure of the application service provider; and
- displaying the upgrades to the existing application infrastructure of the application service provider based on the analysis utilizing the network.

Cheng and *Cooper*, each alone or in combination, do not teach or suggest every element of every claim as amended. At least for these reasons, Applicant respectfully requests that Examiner's § 103 rejections be withdrawn.

- (a) The References Fail to Teach or Suggest Translating an Application Infrastructure Aspect into a Common Structure and Analyzing the Common Structure As Claimed

The present claimed invention recites, *inter alia*, "translating the at least one aspect of the existing application infrastructure [of an application service provider] into a common structure, such that the common structure is stored in a knowledge base...[and] analyzing the common structure using a spreadsheet stored in the database, wherein the spreadsheet includes predefined rules...."

Cheng and *Cooper* fail to teach or suggest these limitations.

Serial No 09/483,062

In reply to Office Action mailed October 21, 2003

Page 7 of 8

In contrast, the references only describe analyzing individual computers for software that requires updating, but they fail to disclose translating an aspect or characteristic of an application service provider infrastructure into a common structure and analyzing the common structure using a spreadsheet with predefined rules. Moreover, the references clearly do not mention or teach any functionality comparable to that of an application service provider, which is a significant shortcoming of the cited references because the framework and operation of ASPs is quite distinct from the systems disclosed by *Cheng* and *Cooper*.

Cheng describes a system for updating client computers with software updates. Abstract. However, *Cheng* does not describe translating application service provider framework aspects into a common structure. *Cooper* describes a system for modifying a network architecture, *see* abstract, but the reference also does not disclose upgrading an application service providers' infrastructures as claimed.

Accordingly, in light of the amendments and the forgoing arguments, the teachings of *Cheng* and *Cooper* fail to teach or suggest every element of claims 1-18 as amended, and Applicant respectfully requests that Examiner's § 103 rejections be withdrawn.

(b) The References Fail to Teach or Suggest Identifying Upgrades to an Application Infrastructure of an Application Service Provider As Claimed

Moreover, the present claimed invention further recites "analyzing the common structure using...predefined rules... to identify upgrades to the existing application infrastructure of the application service provider..." *Cheng* and *Cooper* fail to teach or suggest these limitations.

The claimed upgrades that are displayed in the present invention, which are derived from the claimed analysis, are directed towards improvements to the application infrastructure, which is distinct from the software on the individual computers that receive services from an application service provider. Although the *Cheng* reference describes (1) updating a service provider database as new software updates become available from software vendors to the service provider, and (2) analyzing an individual computer to determine the software products installed thereon and then consulting with the system's database to determine if there are relevant updates, these teachings are limited to software from vendors that ultimately operates on the end-user's client computer. The *Cooper* reference also fails to disclose this limitation.

Upgrading an application infrastructure of an application service provider is an entirely different process from updating software on an individual client machine insofar as the upgrades are

Serial No 09/483,062

In reply to Office Action mailed October 21, 2003

Page 8 of 8

delivered, installed, and executed in entirely different manners on entirely different platforms.

Examiner has not acknowledged nor refuted this distinction.


For at least these reasons, the cited references fail to teach or suggest every element of claims 1-18, and Applicant respectfully requests that Examiner's § 103 rejections be withdrawn.

CONCLUSION

Applicant submits that all pending claims are allowable and respectfully requests that a Notice of Allowance be issued in this case. In the event a telephone conversation would expedite the prosecution of this application, the Examiner may reach the undersigned at (612) 607-7386. If any fees are due in connection with the filing of this paper, then the Commissioner is authorized to charge such fees including fees for any extension of time, to Deposit Account No. 50-1901 (Reference 60021-341801).

Respectfully submitted,

By


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